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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12

13 JESSICA GOMEZ, individually, and on
behalf of all others similarly situated,

15 Plaintiff,

16 vs.

18 JELLY BELLY CANDY COMPANY,
and DOES 1-25, Inclusive,

20 Defendants.

Case No.: 5:17-cv-00575 (FFMx)

[Assigned to Judge Cormack J. Carney
Courtroom 9B]

22 **REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
CLAIMS FOR EQUITABLE RELIEF
UNDER THE FIRST AMENDED
COMPLAINT**

23 [Filed concurrently with Plaintiff's
Opposition]

24 Date: August 28, 2017

25 Time: 1:30 p.m.

26 Ctrm: 9B

27 Honorable Cormac J. Carney

1 Plaintiff Jessica Gomez asks the Court to take judicial notice of the following
2 documents filed in connection with her Opposition to Defendant's Motion to Dismiss
3 Plaintiff's Claims for Equitable Relife Under the First Amended Complaint:

- 4 • Docket for the matter of *Duttweiler v. Triumph Motorcycles (Am.) Ltd.*, No. 14-
5 cv-04809-HSG. A true and correct copy of the court docket is attached hereto
6 as **Exhibit 1** and is a document of the United State District Court's record.
 - 7 ○ Order reassigning the case, entered on December 3, 2014 (ECF #11).
8 A true and correct copy of the Order is attached hereto as **Exhibit 1a**
9 and is a document of the United State District Court's record.
 - 10 ○ Order setting the case management conference, entered on December
11 18, 2014 (ECF #15). A true and correct copy of the Order is attached
12 hereto as **Exhibit 1b** and is a document of the United State District
13 Court's record.
 - 14 ○ Order extending deadlines, entered on February 20, 2015 (ECF #24).
15 A true and correct copy of the Order is attached hereto as **Exhibit 1c**
16 and is a document of the United State District Court's record.
 - 17 ○ Order referring the case to a magistrate judge for discovery, entered
18 on May 4, 2015 (ECF #44). A true and correct copy of the Order is
19 attached hereto as **Exhibit 1d** and is a document of the United State
20 District Court's record.
 - 21 ○ Order regarding a discovery dispute, entered on May 7, 2015 (ECF
22 #49). A true and correct copy of the Order is attached hereto as
23 **Exhibit 1e** and is a document of the United State District Court's
24 record.
 - 25 ○ Order dismissing the case, entered on March 9, 2016 (ECF #57). A
26 true and correct copy of the Order is attached hereto as **Exhibit 1f** and
27 is a document of the United State District Court's record.

- The Honorable Thelton E. Henderson's Order Granting in Part and Denying in Part Defendants' Motion to Dismiss Plaintiff's Class Action Complaint in the *Munning v. Gap, Inc.*, No. 16-cv-03804-TEH, 2017 U.S. Dist. LEXIS 26459, Doc. No. 29, entered October 28, 2016. A true and correct copy of the court docket is attached hereto as **Exhibit 2** and is a document of the United States District Court's record.

Judicial notice of the foregoing documents is proper because a noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court; or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b). None of the documents can be subject to reasonable dispute as they are contained within the files of this District. *See e.g. Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (taking judicial notice of documents from court records).

Dated: August 7, 2017

APEX TRIAL LAW
A Professional Corporation

By:/s/ Thomas W. Kohler

Thomas W. Kohler
Attorney for Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2017, I electronically filed the foregoing
REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S
CLAIMS FOR EQUITABLE RELIEF UNDER THE FIRST AMENDED
COMPLAINT with the Clerk of the Court using the CM/ECF system which will send
notification of such filing via electronic mail to all counsel of record.

/s/Thomas W. Kohler
Thomas W.Kohler